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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,546	11/27/2001	Masahiro Ozaki	AND-015-USAP	8416

7590 07/18/2003  
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EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 07/18/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/993,546

Applicant(s)

OZAKI, MASAHIRO

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to the amendment filed April 15, 2003. The objections and rejections are withdrawn.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,203,896 to Nomura in view of USPN 4,103,053 to Barehas and further in view of USPN 6,045,904 to Torikoshi et al.

3. Nomura teaches an image transfer sheet having a support base and a synthetic resin layer detachably bound thereon (equivalent to provisionally bound). The synthetic resin layer is capable of binding the toner of electrostatic process copying machine and electrostatic printer, thereby forming an image transfer layer which is the synthetic resin layer and the toner bound to the synthetic resin layer. This layer is equivalent to a toner image fixed on a sheet by an electrophoto copying machine using toner. See col. 2, lines 1-52, col. 3, lines 40-65, and Embodiment 1 teaching a color copying machine used (meeting claims 3 and 4). The resin layer is of acrylic resin and urethane at col. 4, lines 15-40. This layer is equivalent to the acrylic ester resin binder layer. See also col. 5, lines 1-5 teaching the resin layer providing a releasable function. While Nomura teaches the support base sheet is paper of a chemical fiber type,

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Nomura does not teach it of a hair-transplanted type. Barehas teaches a pressure-sensitive laminate having a covering layer of short fibers 33 bonded to a carrier layer by an adhesive layer 34. A coloring pigment and image is present, and such provide a function of normally maintaining adhesive backings for transfer to any surface as explained by Barehas at col. 4, lines 40-66 and col. 3, lines 45-55. It would have been obvious to one of ordinary skill in the art to modify the transfer sheet of Nomura to substitute hair-transplanted fibers since Barehas teaches such fibers are important on cover layers for transfer and adhesion purposes as explained by Barehas at col. 3, lines 20-55 and at col. 4, lines 40-66.

Nomura does not teach an acrylic solvent bond on a hair transplant sheet. However, Dalvey teaches an image transfer sheet having a release layer and silicon and acrylic acid (equivalent to acrylic solvent) coating making an image imparting layer 16 at col. 3, lines 33-45 and col. 9, lines 15-30. Hence, it would have been obvious to one of ordinary skill in the art to modify the sheet of Nomura to include an acrylic solvent layer for the purpose of releasing an image as taught by Dalvey at col. 3, lines 33-45, col. 4, lines 54-68 and col. 5, lines 1-10.

Nomura does not teach a hot-melt adhesive on a binder layer. However, Torikoshi teaches a silicon resin hot-melt adhesive or PSA is suitable on the outermost layer of an image recording sheet for releasing properties for toner images as explained in the abstract. See also Example 1. Hence it would have been obvious to one of ordinary skill in the art to modify the sheet of Nomura to include an outer hot-melt adhesive since Torikoshi teaches it is useful for releasing properties as explained in the abstract and Example 1.

While Nomura teaches an urethane layer, Nomura does not teach a colored urethane layer. However, Torikoshi teaches plastic film is usually transparent, but it may be opaque in

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order to obtain the same feeling as that of paper. As a manner for making a plastic film opaque, a method for mixing a white pigment (colorant), for example, fine particles of metal oxides such as silicon oxide, titanium oxide, calcium oxide and the like; an organic white pigment, polymer particles or the like into a plastic film may be used. Since urethane is a polymer particle, it would have been obvious to one of ordinary skill in the art to modify the sheet of Nomura to further including a colorant to produce a colored urethane layer since Torikoshi teaches the process of making such a layer for obtaining an opaque layer as taught at col. 7, line 66-col. 8, line 10.

That the toner image and short fiber layer can be transferred on a subject receiver is not germane since it has been held that an element that is "being able to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchinson*, 69 USPQ 138.

#### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,245,479 to Etzel teaches a thermal imaging medium and USPN 6,296,983 to Gula teaches an imaging element with improved twist wrap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is (703) 305-3809. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. The fax phone numbers for the

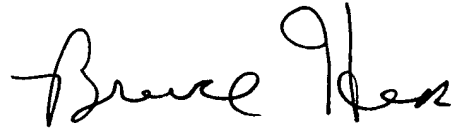
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organization where this application or proceeding is assigned are (703) 746-8329 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Tamra L. Dicus  
Examiner  
Art Unit 1774

July 10, 2003

A handwritten signature in black ink, appearing to read "Bruce Hess". The signature is fluid and cursive, with the first name "Bruce" and the last name "Hess" clearly distinguishable.

BRUCE H. HESS  
PRIMARY EXAMINER